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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,668	03/18/2004	Eric Burke	085804-013601	9745

76058 7590 10/23/2009

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EXAMINER	
THERIAULT, STEVEN B	

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
10/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/805,668	BURKE ET AL.	
	Examiner	Art Unit	
	STEVEN B. THERIAULT	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-65* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: amendment filed 03/13/2009.

This action is made Final.

2. Claims 1- 65 are pending in the case. Claims 1, 32- 34, 45, 56-58, and 61-62 are the independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/17/2009 has been entered.

However, All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

Applicant's arguments filed 08/17/2009 have been fully considered but they are not persuasive.

Applicant's argument that Nakajima does not disclose modifying a context menu on the client side

Applicant argues that a) the claims are directed to a context menu via a web page and b) that Nakajima does not teach modifying the menu with a client side module. In response, the claims are not limited to a web page to display a context menu and the examiner has provided a reasonable interpretation of existing software, as recited in the claim. To the argument that Nakajima does not disclose a client side module, the examiner asserts Nakajima teaches a DLL defined as shell extension libraries that contain context menu handlers that are executed within the registry of the software system. The registry is clearly not on the server side of the system (See Figure 1 and column 5, lines 25-45). In spite of applicant's argument that Nakajima does not show, as arranged in the claim, a client side module to modify a context menu, Nakajima discloses the following:

The preferred embodiment of the present invention extends the capabilities provided **by a shell of an operating system to allow an application developer to customize context menus, add property sheet pages for objects and provide per-instance icons for objects. Further, the preferred embodiment of the present invention facilitates the customization of drop behavior and the customization of source objects in drag-and-drop operations on a per-object type basis.** A copy-hook handler is provided to enable an application to grant or withhold approval of copy, delete, move or rename commands on objects.

A shell extension or DLL is a client side module that handles the request to modify the context menu on the client side.

Applicant argues that Nakajima does not teach modifying the menu and displaying a new one

1. Applicant's argue that Nakajima does not teach an event that calls for the display of an existing context menu by the existing software or client side module. The examiner responds, (column 7, lines 1-5) "context menu has been activated", is an event to display the menu by the existing software. Further, and to wit, applicants own specification defines a client side module as a DLL (see present application specification page 6). Therefore, the DLL of Nakajima is a client side module, as defined by applicant.

2. Applicant further argues that in response to the event displaying a modified menu subsequent to the event such that the existing menu is not displayed. In response, the application of Nakajima registers "dynamic verbs" that would allow for a new object type to be registered dynamically, which would update the registry and then update a menu subsequent to the event to display the menu. For example the menu is displayed to the user with the word application. A dynamic verb is registered and the menu is changed and the next time the menu is displayed the change will be reflected. Nonetheless, in response to

applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the examiner relies on the combination of Nakajima and Ezekiel to show a reasonable suggestion in the prior art of the claim feature. MPEP 2123 and 2144 provide that a reference is available for all that it suggests and contains to the skilled artisan. In this case, Ezekiel teaches a windows handler event that is akin to the DLL handlers of Nakajima. Ezekiel provides the specific window handling events that capture user or system requests to display a context menu. Therefore, the claims remain rejected over the prior art.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-12, 18, 24, 58-64 are rejected under 35 U.S.C 103(a) as being unpatentable over Nakajima et al (hereinafter Nakajima) U.S. Patent No. 5831606 issued Nov. 3, 1998 and filed Dec. 13, 1994, in view of Ezekiel et al. (Hereinafter Ezekiel) U.S. Patent No. 5625783 issued Apr. 29, 1997.**

It is noted that the previous office action contained a typo, referring to 35 U.S.C 102 and this office action corrects said typo.

In regard to **Independent claim 1,** Nakajima teaches a method comprising:

- Modifying an existing context menu in existing software via a client side module, comprising additional menu information, the client side module executing on a computer (Nakajima column 5, lines 25-35 and Figure 4-5). Nakajima teaches shell extension DLL handlers (modules) that are provided within the memory of the computer system (client side) (See also column 6, lines 1-11).
- Detecting an event that calls for display of the existing context menu by the existing software (column 7, lines 5-10 and column 8, lines 10-20)
- Modifying the existing context menu based on the additional menu information (See column 7, lines 1-15 and 47-57).
- Subsequently displaying the modified context menu (column 7, lines 1-5).
- The modified context menu is different from the existing context menu, the modified context menu comprising an additional menu item as part of the context menu, the additional menu item being positioned within the modified context menu in accordance with the additional menu information and not in accordance with the existing software (See column 7, lines 15-57 and figure 4-5).
- Such that the menu is existing menu is not displayed in response to said event (See column 6, lines 35-67).

Nakajima does not expressly teach:

After detecting the event and in response to the event modifying the existing context menu based on the additional menu information

However, in the same problem solving area of modifying menus using a windows program or shell extension, Ezekiel teaches a process of specifically listening to a window change event. Upon the event and in response to the event Ezekiel checks the package object assigned to the window and when a new menu or different window type is detected then the menu is modified with the additional menu information (See figure 4 and 5 and column 8, lines 29-67 and column 9, lines 1-63). Further, Ezekiel makes it clear that the package is a dll installed on the client side and that the existing menu is not shown and at runtime the new menu is constructed and then displayed to the user where the menu is different when displayed to the user. Moreover, the modified items are placed within the existing menu in accordance to the package object instructions and not in accordance with the existing software (See figure 6). Nakajima and Ezekiel are analogous because they both teach using the common operating system of Microsoft and adding menu functions to the shell operating system and both references teach using add on applications (See Nakajima column 5, lines 25-35 and Ezekiel column 5, lines 23-59). The difference between Nakajima and Ezekiel is the event process is silent in Nakajima. Nakajima teaches the method and interface handlers to capture events (See column 33-37) and calls to add menu items to the registry and the method to include the menu items in the display but does not actually show the steps to invoke the commands. Whereas, Ezekiel shows the specific steps to listening to a specific event and adding the menu upon the window change focus events.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Ezekiel and Nakajima in front of them, to modify the system of Nakajima to specifically modify a menu, on the client side, after detecting an event and in response to the event because Ezekiel teaches to modify a menu in response to a focus event to change a window at the request of a user. The menus of Ezekiel read registry information in the same manner as Nakajima and allow for add on components. The motivation to combine Ezekiel

and Nakajima comes from the suggestion in Ezekiel to automatically and dynamically construct menus on the fly to change with the operating mode of the system and to add new menu functions by providing a flexible and convenient menu construction system (See column 2, lines 48-67 and column 3, lines 10-20 and column 4, lines 49-54).

With respect to **dependent claim 2,** Nakajima teaches the method the existing context menu comprising at least one existing menu item, the additional menu item being positioned above the existing menu item in the modified context menu (column 9, lines 15-43 and column 33-38).

With respect to **dependent claim 3,** Nakajima teaches the method wherein the modified context menu comprises an icon displayed with the additional menu item (column 11, lines 1-15).

With respect to **dependent claim 4,** Nakajima teaches the method wherein the additional menu information comprises information related to an icon to be associated with the additional menu item (column 11, lines 1-25 and figure 10-11).

With respect to **dependent claim 5,** Nakajima teaches the method wherein the additional menu item comprises at least one sub menu that comprises at least one additional sub menu item (column 33-38 and column 9, lines 15-45)

With respect to **dependent claim 6,** Nakajima teaches the method wherein the client-side software module is provided to a user computer, the user computer displaying a Web page, the Web page being divided into regions, the method further comprising determining in what region the user is interacting with the Web page when the event occurs (column 9, lines 15-45 and column 5, lines 45-67).

With respect to **dependent claim 7,** Nakajima teaches the method further comprising selecting for display the additional menu item from a plurality of potential menu items based on the determined region (column 6, lines 53-67).

With respect to **dependent claim 8,** Nakajima teaches the method wherein the client-side software module is provided to a user computer, the user computer displaying a user interface, the method further comprising determining a location of the user interface at which the user is interacting with the user interface when the event occurs (column 9, lines 15-45 and figure 5)

With respect to **dependent claim 9,** Nakajima teaches the method further comprising selecting for display the additional menu item from a plurality of potential menu items based on the determined region (column 10, lines 15-45 and figure 6-8 and column 33-38).

With respect to **dependent claim 10,** Nakajima teaches the method wherein the client-side software module is provided to a user computer, the user computer displaying a user interface, the user interface comprising a plurality of elements, the method further comprising determining which element of the plurality of elements the user is interacting with when the event occurs (See figure 4-5 and 8 and column 7, lines 15-55).

With respect to **dependent claim 11,** Nakajima teaches the method further comprising selecting for display the additional menu item from a plurality of potential menu items based on the determined element (column 7, lines 15-55).

With respect to **dependent claim 12,** Nakajima teaches the method further comprising selecting for display the additional menu item from a plurality of potential menu items based on the location of a user computer to which the client-side software module is provided (column 9,lines 15-45

and column 33-38).

With respect to **dependent claim 18,** Nakajima teaches the method further comprising, prior to modifying the existing context menu, obtaining information related to the existing context menu (column 7, lines 15-45).

With respect to **dependent claim 24,** Nakajima teaches the method the modifying the existing context menu comprising adding the additional menu item to the existing context menu using an application-programming interface (column 7, lines 47-57 and column 8,lines 9-57).

In regard to **claims 58-60,** claims 58-60 substantially reflect similar subject matter as claims 1-3, respectively, and therefore are rejected along the same rationale.
In regard to **claims 61-64** claims 61-64 substantially reflect similar subject matter as claims 1, 11-12, respectively, and therefore are rejected along the same rationale.

6. **Claims 13-17, 19-23, 34-55, 65 are rejected under 35 U.S.C. 103(a) as unpatentable over Nakajima in view of Ezekiel et al. (Hereinafter Ezekiel) U.S. Patent No. 5625783 issued Apr. 29, 1997 and in further view of Slivka et al (hereinafter Slivka) US Patent No. 6061695 issued May 9, 2000.**

With respect to **dependent claim 13,** Nakajima in view of Ezekiel teaches the method wherein the client-side software module is provided to a user computer, the user computer displaying a Web page, the Web page comprising a plurality of elements, the method further comprising

determining which element of the plurality of elements the user is interacting with when the event occurs (column 9, lines 15-45 and column 5, lines 45-67). In the **alternative,** if the Microsoft NT operating system that controls the functions and features displayed in numerous windows applications cannot be interpreted as teaching controls for the known Internet Explorer application embedded within the Windows application, then Slivka can be relied upon. Slivka also teaches the use of an operating system shell to control the display of a user interface. Slivka teaches using a shell folder view to display the objects in HTML (See column 9, lines 5-36 and column 11, lines 35-55). Slivka teaches using the same OLE object protocol as Nakajima (See column 12, lines 15-26). Slivka specifically teaches the ability to insert menu items into a composite menu, much like the teachings of Nakajima where graphical interface controls can be implemented within a browser environment (See column 16, lines 55-67 and column 17, lines 1-50). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Nakajima, Ezekiel and Slivka in front of them, to modify the system of Nakajima to display a web page and elements within the webpage and allow the elements to be modified because Slivka specifically teaches modifying the operating system shell view to display the windows in an html format (See column 16, lines 36-52). The motivation to combine comes from the suggestion in Slivka to display document objects of different types in a common html format.

With respect to **dependent claim 14,** Nakajima teaches the method further comprising selecting for display the additional menu item from a plurality of potential menu items based on the determined element (column 7, lines 15-55)).

With respect to **dependent claims 15-17,** Nakajima teaches the method wherein determining which element the user is interacting with comprises: identifying an element from the plurality of elements that comprise an HTML structure; determining a type of the element; saving information related to the element; determining when the user has selected text; and saving the selected text

(column 6, lines 45-67 and column 14, lines 1-67). In the alternative, Slivka teaches modifying the menu within the html structure (See column 17, liens 1-50 and column 15, lines 49-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Nakajima and Slivka in front of them, to modify the system of Nakajima to display a web page and elements within the webpage and allow the elements to be modified because Slivka specifically teaches modifying the operating system shell view to display the windows in an html format (See column 16, lines 36-52). The motivation to combine comes from the suggestion in Slivka to display document objects of different types in a common html format.

With respect to **dependent claims 19-23,** as indicated in the above discussion, Nakajima teaches every element of claim 1.

Nakajima teaches the method wherein the client-side software module comprises a control that operates with the browser (column 5, lines 45-67) as Microsoft Windows NT operating system contains an embedded Internet Explorer browser and sub classing the browser window. However, in the alternative if the NT environment is not considered as containing the browser then Slivka can be relied upon to teach a module that operates within the browser, as an active X control and as a toolbar receiving information from a server (See column 16, lines 35-67 and Figure 3 and column 14, lines 1-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Nakajima and Slivka in front of them, to modify the system of Nakajima to display a web page with an active x control as a toolbar because Slivka specifically teaches modifying the operating system shell view to display the windows in an html format (See column 16, lines 36-52). The motivation to combine comes from the suggestion in Slivka to display document objects of different types in a common html format.

In regard to **claims 34-44, 65,** claims 34-44, 65 reflect the computer readable code comprising

computer readable instructions for performing the methods steps of claims 1-9 and 15-16, respectively, and therefore are rejected along the same rationale.

In regard to **claims 45-55,** claims 45-55 reflect the computer readable code comprising computer readable instructions for performing the methods steps of claims 1-9 and 15-16, respectively, and therefore are rejected along the same rationale.

Claims 25-33, 56-57 are rejected under 35 U.S.C. 103(a) as obvious over Nakajima, in view of Ezekiel et al. (Hereinafter Ezekiel) U.S. Patent No. 5625783 issued Apr. 29, 1997, in further view of Slivka et al (hereinafter Slivka) US Patent No. 6061695 issued May 9, 2000 in further view of Weber et al (hereinafter Weber) US Patent Publication No. 20040061720 filed May 15, 2003.

With respect to **dependent claims 25-31,** as indicated in the above discussion Nakajima teaches every element of claim 1.

Nakajima in view of Ezekiel and in further view of Slivka does not expressly teaches the method wherein an Internet content provider maintains for a user a user account comprising user account information, and the modified context menu is configured based on the user account information or selecting additional menu items to display or the ability to log in to the provider or determining menus to display at the provider or allowing browsing on several computers where personalization persists on each computer. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Weber, Slivka, Ezekiel and Nakajima in front of them to modify the system of Nakajima to allow the browser display menus to include content from a online users account and to allow user to personalize the menus within browsers at different machines. Slivka teaches the Microsoft NT operating system that controls the functions and features displayed in numerous windows applications and controls for the known Internet Explorer application embedded within the Windows application. Slivka also teaches the use of an operating system shell to control the display of a user interface. Slivka teaches using a shell folder view to display the objects in HTML (See column 9, lines 5-36 and column 11, lines 35-55). Slivka teaches using the same OLE object protocol as Nakajima (See

column 12, lines 15-26). Slivka specifically teaches the ability to insert menu items into a composite menu, much like the teachings of Nakajima where graphical interface controls can be implemented within a browser environment (See column 16, lines 55-67 and column 17, lines 1-50). Slivka does not teach logging into an internet service provider to retrieve menu information from the service provider and allowing the user to modify the menu at the local machine where the changes propagate to another machine via the server. However, Weber teaches allowing the user to maintain a common browser toolbar by allowing the user to download a toolbar from the machine they have logged into for the purposes of presenting the user desired toolbar that was modified previously and stored in the users profile (See Para 30-32) or by user account. Further, Weber teaches the ability to allow the user to decide which menu items are displayed to the user, which adjusts the menus that are displayed to the user (See Para 34). The motivation to combine the browser toolbar control of Weber with the web enabled display of Slivka and Nakajima comes from the suggestion in Weber to allow the user to control the content of a toolbar in a webpage at the local computer (See Para 8 and 19). The user selects the information they wish to see (e.g. search engine type) and the system inserts the menus for that search engine, which is contextually based and changed at the local machine.

In regard to **claims 32, 33,** claims 32-33 substantially reflect similar subject matter as claims 1, 13, 25 and therefore are rejected along the same rationale.

In regard to **claims 56, 57,** claims 56-57 substantially reflect similar subject matter as claims 1, 13, 25 and therefore are rejected along the same rationale.

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly

teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). In re: *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792,794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Primary Examiner
Art Unit 2179